

Private School Participation in Federal Programs

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Key Points

1. The law provides for the equitable participation of private school students, teachers and, in some cases, other education personnel and parents in some of its major programs.
2. Consultation between public and private school officials must be timely and meaningful.

Key Point I: equitable participation

ESEA programs requiring equitable participation

- ❑ **Title I** – Improving the Academic Achievement of the Disadvantaged
- ❑ **Title II-A** – Preparing, Training and Recruiting High Quality Teachers and Principals
- ❑ **Title II-D** – Enhancing Education Through Technology
- ❑ **Title III** – Language Instruction for LEP and Immigrant Students
- ❑ **Title IV** – 21st Century Schools

equitable services

The LEA

- Assesses, addresses and evaluates the needs of private school students and teachers;
- Provides benefits and services that meet the needs of private school students and teachers;
- Spends an equal amount of funds per student to provide services;

equitable services

- Begins services with private school students at the same time as public school students.
- Provides private school students and teachers with an opportunity to participate in activities equivalent to the opportunity provided public school students and teachers.

Key Point II: Consultation

The goal of the consultation process is to design and implement a program that will provide equitable services and meet the needs of eligible private school student and/or teachers and other educational personnel.



Consultation: process/timeline

- January – Intent to Participate letter to all non-public, non-profit schools - required by law
- Conduct information meeting
- Conduct face-to-face consultation with private school officials

Consultation: timely



1. Timely consultation is required:
Title I – Section 1120 (b)(2) of ESEA
All other Titles - Section 9501(c)(3) of ESEA
2. Such consultation shall occur **before** the local education agency makes any decision that affects the opportunities to participate of eligible private school children, teachers, and other education personnel.

Consultation: timely



3. Initial, complete consultation early
4. Plan designed prior to final funds determination
5. Consultation must continue ***throughout*** the implementation and assessment of services
6. Adequate notice

Consultation: meaningful



Consultation is required on

- ☐ How the children's and teacher's needs will be identified
- ☐ What services will be offered
- ☐ How and where the services will be provided
- ☐ Program specific concerns

Consultation: meaningful



Consultation is required on

- ☐ How the services will be assessed and how the results of the assessment will be used to improve those services
- ☐ What service delivery mechanisms will be used to provide equitable services
- ☐ Who will provide the services

Consultation: meaningful



Consultation is required on

- ❑ The amount of funds available to serve private school students
- ❑ The size and scope of the services to be provided
- ❑ How and when the agency(LEA) will make decisions about the delivery of services
- ❑ Consideration of the views of the private school officials regarding use of third-party providers

Consultation: meaningful



- ❑ Where the LEA disagrees with the views of the private school officials on the provision of services through a third-party contract, LEA provides required written explanation of the reasons why the local education agency has chosen not to use a contractor.

Third-party Contracts

- ▣ Contract must be under the control and supervision of the LEA.
- ▣ LEA remains responsible.
- ▣ LEA remains in control of all funds.



Third-party Contracts

A third-party contract should:

- Include a detailed description of Title I services to be provided to the private school students.
- Detail when, where and by whom services will be provided.
- Specify that services must be “secular, neutral, and nonideological.”
- Break out instructional and administrative costs.

Third-party Contracts

Invoice Detail – spell it out in contract

All invoices and purchase orders should

- ▣ Description of services provided
- ▣ Date, time, and duration of service
- ▣ Number of students
- ▣ Names of students

Third-party Contracts

A third-party contract should:

- Spell out criteria for termination of the contract.
- Provide for frequent supervision by the LEA officials.

Assessment of Title I

The LEA must **annually assess** private school Title I participants, using the State assessments or other more appropriate assessments, as determined in consultation.

In consultation with private school officials, the LEA must define “annual progress” for private school Title I participants. If annual progress is not met, the LEA must modify the Title I program.

(The Title I requirement for States to test all students annually does not apply to private schools.)

Determining Title I Funds

Low-income public and private school students residing in the same Title I attendance areas generate the same per-pupil amount (PPA).

Per-pupil allocation \times number of poor, private school students residing in Title I attendance areas = Funds available for private school Title I program.

Identifying Title I funding

For example,

Students A, B, C, D, E, F, G are all private school students from poverty and reside within the Title I attendance area. These are the students used to determine funds. (PPA X 7)

This means that 7 students in the private school who reside in the Title I attendance area can receive Title I services.



Identifying Children to be Served

- Must **reside** in participating public school Title I attendance area **AND** are failing or **most at risk of failing** to meet high standards
- Selected on the basis of multiple, educationally-related, developmentally-appropriate criteria
- Homeless, 2 preceding years in Head Start, Even Start, Early Reading First, Title I Preschool or Title I, Part C (Migrant Education)
- Poverty is **NOT** a criterion.
- District chooses children to be served from the list that the private school provides of eligible students.



Identifying Children to be Served

The number of students who would be served at the private school is 7.

Toss out the list of students from poverty (students A-G) and look at the total list of private school students who reside within the Title I attendance area to determine who will be served.



Identifying Children to be Served

Determine which of these students are most at risk of failing to meet standards.

Be sure selection is done on the basis of multiple, educationally-related, developmentally-appropriate criteria.

The 7 students served may end up being students A, B, C, W, X, Y, Z.



Title II-D Formula Funds

- All LEAs in Tennessee receive Title II-D formula funds. However, only some private schools chose to participate in Title II-D.
- Only private schools who chose to participate in Title II-D are eligible to receive Title II-D funding.
- Title IID was not funded in 2011-12. Many (but not all) LEAs received reallocated IID funds and should have consulted with participating private schools.

Formula Funds Allowable Expenditures

- Title II-D formula funds can be used for allowable expenditures listed on pages 12-13 of File 06 in the Consolidated Application, which can be viewed at http://state.tn.us/education/nclb/conapp/conapp_process.shtml

Title III: Screeners

- Required in participating private schools to ensure that the proper students receive equitable services.
- LEA pays for screener.
- Private schools do not have to screen students with the Home Language Survey.
- In consultation with the LEA, it may be determined that the private school will use the Home Language survey as an initial screener.

Title III: Screeners

- How determination of qualifying students is to be made should be discussed during consultation.
- In the event that the LEA screens only certain private school students for LEP status, the private school should provide teacher or parent recommendations to justify its choices and ensure that no discriminatory screening has occurred. An example of discriminatory practice would be to screen only students with Hispanic last names.

Title III: Program Assessment

Assessment of Program Effectiveness

The LEA must **annually assess** the effectiveness of Title III services provided to private school students.

Title III: Student Assessment

Student Assessment

- The annual LEP assessment, currently the ELDA in TN, **is not required** of students in the private schools, even if the schools accept Title III federal funding.
- Cost of the annual assessment (ELDA) if given in to private school students *may* be taken out of the private school's Title III allocation.

Title III: Student Assessment

Student Assessment

- Who pays (LEA or private school) is determined during consultation.
- If the annual LEP assessment is not given at the private school, the screener should be given every year to ELL private school students as a measure of program effectiveness and to measure student achievement in the areas of reading, writing, listening, and speaking.

Documentation



- ☐ Affirmation of Consultation required under Title I of ESEA.
- ☐ No statutory requirement for other Titles.
- ☐ Most LEAs use the Affirmation of Consultation form that includes all Title areas and lists specific required consultation topics.

Documentation



LEA should document that it has

- 📄 Informed private schools about available programs,
- 📄 Engaged in timely and meaningful consultation,
- 📄 Identified private school students' and teachers' needs,
- 📄 Allocated per-pupil funds to private school students and teachers equal to per-pupil amount for public school students and teachers,

Documentation



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- 📄 Provided services, programs, materials, and resources,
- 📄 Evaluated programs and services for effectiveness, and
- 📄 Addressed adequately problems and formal complaints.

Neglected and Delinquent

- If the institution is registered as a non-profit, private school with the State, the students and teachers in the school are eligible to receive equitable services under IIA, IID and III program funds.

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<http://www.ed.gov/about/offices/list/oii/nonpublic/index.html>

www.ed.gov/policy/elsec/guid/equitableserguidance.doc

2009 Equitable Services guidance is available at
www.ed.gov/policy/elsec/guid/equitableserguidance.doc

State forms and additional information on
private school participation may be found on
the State web site at
<http://www.tennessee.gov/education/fedprog/fpp/private.shtml>



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